Operational Guide:

Application of Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products

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Acronyms

ABP	Animal by-product
BCP	Border Control Post: As defined in point 38 of Article 3 of Regulation (EU) 2017/625 of the European Parliament and of the Council.
CA	Competent Authority
CHED	Common Health Entry Document: Referred to in Article 56 of Regulation (EU) 2017/625.
CHED-P	Common Health Entry Document for products referred to in point (b) of Article 47(1) of Regulation (EU) 2017/625, or subject at their entry into the Union to measures provided for in points (d), (e) or (f) of Article 47(1) of Regulation (EU) 2017/625. Referred to in point (b) of Article 40(1) of Regulation (EU) 2019/1715.
CN	Combined Nomenclature code (CN code) : Used for classifying goods set up to meet the requirements of the Common Customs Tariff and of the EU's external trade statistics. It corresponds to the goods nomenclature, as laid down in Annex I to Council Regulation (EEC) No 2658/87.
CVEDP	Common Veterinary Entry Document for products of animal origin
EU	European Union
IMSOC	Information Management System for Official Controls: Referred to in Article 131 of Regulation (EU) 2017/625.
IOC	Intensified Official Controls: Coordinated performance by competent authorities of the intensified official controls referred to in Article 65(4), (5) and (6) of Regulation (EU) 2017/625.
iRASFF	Rapid Alert System for Food and Feed: System established by Article 50 of Regulation (EC) No 178/2002, referred to in point 7 of Article 2 of Regulation (EU) 2019/1715.
MRL	Maximum residue level
MS	Member State
OCR	Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products. OJ L 95, 7.4.2017, p. 1.
REC	Re-enforced check Referred to in Article 24 of Council Directive 97/78/EC (repealed).
TRACES	The computerised system referred to in Article 133(4) of Regulation (EU) 2017/625 for the purposes of exchanging data, information, and documents.

1. PURPOSE

This document aims at providing guidance to Member State (MS) competent authorities (CAs) and more specifically to their border control posts (BCPs) on the practical and operational aspects of the procedures for intensified official controls (IOC) as laid down in Commission Implementing Regulation (EU) 2019/1873 to ensure a harmonised application across the European Union (EU).

NOTE this is a dynamic document and may be updated as necessary to take account of new information from all stakeholders in the EU and third countries.

2. BACKGROUND

Prior to entry into force of Regulation (EU) 2017/625[1] (OCR), general requirements for border veterinary checks on products of animal origin coming from third countries and entering the Union territory were laid down in repealed Council Directive 97/78/EC[2]. Article 24 of that Directive laid down basic principles for 're-enforced checks' (REC), with detailed measures to be taken when MS official controls revealed a serious or repeated infringement.

Under this repealed legislation, a REC was created in the now outdated TRACES Classic and was linked with the relevant Rapid Alert System for Food and Feed (RASFF) notification entered through the Common Veterinary Entry Document for products of animal origin (CVEDP) module of TRACES Classic.

Based on several years of experience in the application of the REC measure, there was a need to improve and streamline the procedure. The term 're-enforced check' is now obsolete and Article 65(4), (5) and (6) of the OCR refers to intensified official controls (IOC) on products of animal origin, germinal products, animal by-products and composite products entering the Union for placing on the market, for which the new procedures at BCPs are laid down in Commission Implementing Regulation (EU) 2019/1873[3].

[1] Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (OJ L 095 7.4.2017, p. 1).

[2] Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p .9).

[3] Commission Implementing Regulation (EU) 2019/1873 of 7 November 2019 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products (OJ L 289, 8.11.2019, p. 50).

KEY IMPROVEMENTS

Four key improvements made with the IOC procedures under Regulation (EU) 2019/1873 compared to the former "REC" procedure:

1) **Possibility for MS to propose an IOC directly in TRACES* based not only on border control notifications but also on market control notifications.**
2) **More efficient way of counting and ranking the consignments for the sequence of checks.**
3) **Simplification for MS to apply exemptions from subjection to IOC on consignments.**
4) **More accurate conditions for the termination of an IOC, by using the total weight of the consignments in the sequence of checks.**

* In accordance with Article 65(5) of the OCR, the request to launch an IOC is notified by the MS through TRACES. This request is now independent of RASFF notifications. This means that submission and validation of a RASFF notification is no longer mandatory for submission and validation of the IOC request**.**

However, in accordance with Regulation (EU) 2019/1715[4], iRASFF and TRACES are still interlinked, which allows for the exchange of data concerning border rejection notifications and Common Health Entry Documents (CHEDs).

The procedures for the above systems run separately but an internal link called 'notify RASFF' redirects to the iRASFF platform where the BCP inspector can access with his/her credentials. Under certain conditions, the use of this link from TRACES allows the automatic completion of certain information inside iRASFF.

3. LEGAL REFERENCES

OCR – Article 65(4), (5) and (6)

Main tertiary legislation of the OCR, relevant for IOCs:

- **Commission Implementing Regulation (EU) 2019/1873** lays down detailed rules relating to the procedures at BCPs for a coordinated performance of IOC.
- **Commission Implementing Regulation (EU) 2019/2129**[5] lays down rules for the uniform application of frequency rates for identity and physical checks on certain consignments of animals and goods entering the Union and intended to be placed on the market.

[4] Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation) (OJ L 261 14.10.2019, p. 37).

[5] Commission Implementing Regulation (EU) 2019/2129 of 25 November 2019 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union (OJ L 321, 12.12.2019, p. 122).

- **Commission Implementing Regulation (EU) 2019/2130**[6] lays down detailed rules on the operation of official controls at BCPs on animals and goods and provides that CAs of the MS develop risk-based monitoring plans.
- **Commission Implementing Regulation (EU) 2019/1715** lays down rules for the functioning of the information management system for official controls (IMSOC) and its system components.

4. DEFINITION OF TERMS

4.1 **Establishment of origin –** establishment of origin in a third country, including third country vessels, appearing on lists drawn up regarding the export of products of animal origin, germinal products, animal by-products and composite products to the Union in accordance with the relevant Union legislation, as defined in Article 2 of Regulation (EU) 2019/1873.

4.2 **Fraudulent or deceptive practices** – fraud means a non-compliance concerning suspected intentional action by businesses or individuals for the purpose of deceiving purchasers and gaining undue advantage therefrom, in violation of the rules referred to in Article 1(2) of the OCR, as referred to in point 21 of Article 2 of Regulation (EU) 2019/1715.

Examples could include (non-exhaustive list):

- substitution of fish species.
- falsified declarations or certificates.
- treatment of tuna with carbon monoxide.

4.3 **Potentially Serious or repeated infringement** – breach of the applicable requirements laid down in the rules referred to in Article 1(2) of the OCR, detected during official controls at a BCP or during a market control in the Union.

Examples of serious infringements (non-exhaustive list):

- microbiological failures based on harmonised EU law - Reg. (EC) No 2073/2005[7], or Reg. (EU) No 142/2011[8] for animal by-products (ABPs).
- excessive levels of contaminants such as heavy metals - Reg. (EC) No 1881/2006[9];
- any breach of an established maximum residue level (MRL) in accordance with Regulation (EC) 396/2005[10] and the exceedance of the acute reference dose (Arfd).

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6 Commission Implementing Regulation (EU) 2019/2130 of 25 November 2019 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts (OJ L 321, 12.12.2019, p. 128).

7 Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs

8 Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by product and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive

9 Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs

10 Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC

- any breach of an established MRL in accordance with Regulation (EC) 470/2009[11] or the breach enforcement or a reference point of action (RPA) in accordance with Reg. 2019/1871[12].
  For example: any breach of the maximum permissible concentration of pharmacologically active substances or any breach of the established reference values for residues of prohibited or non-authorised substances.
- any breach of import conditions, which may have an adverse effect on animal or public health.

Examples of repeated infringements (non-exhaustive list):

- any breach which has low potential to have an adverse effect on animal or public health.
- meat and milk products continually certified with the wrong heat treatment, without major impact on animal or public health.
- labelling errors, that have no impact on the identification, traceability, and health guarantees of consignments.
- repeated administrative or certification errors or repeated errors of labelling requirements e.g., health mark, ISO Code, and approval number of establishment. BCPs are required to keep records of such repeated errors to justify their decision to launch an IOC procedure on a third country operator.
- repeated presentation of replacement certificates.

4.4 **Products that can be subject to an IOC procedure** - products of animal origin, germinal products, animal by-products and composite products entering the Union for placing on the market as referred to in Article 1 of Regulation (EU) 2019/1873.

4.5 **Nomenclature groups** – groups of Combined Nomenclature codes (CN codes) from the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87[13]. Nomenclature groups are pre-defined in TRACES to easily target the categories of goods subjected to IOC measures.

4.6 **Placing on the market -** holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves, as defined in point 8 of Article 3 of Regulation (EC) No 178/2002[14].

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[11] Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council

[12] Commission Regulation (EU) 2019/1871 of 7 November 2019 on reference points for action for non-allowed pharmacologically active substances present in food of animal origin and repealing Decision 2005/34/EC

[13] Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).

[14] Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31 1.2.2002, p. 1).

4.7 **Planned controls** – this is the first phase of an IOC (as opposed to imposed checks which correspond to the second phase) made active for the same type of infringement, on the same category of goods from the same establishment of origin. The IOC procedure is set up to allow for a sequence of at least 10 planned controls. There are three separate sequences numbered I, II and III in the IOC interface in TRACES. This allows the third country establishment subjected to an IOC, three attempts to achieve an uninterrupted sequence of at least 10 satisfactory results.

4.8 **Imposed checks** – when an IOC has reached the stage where three results in the planned controls are unsatisfactory, it enters the imposed checks phase, as referred to in Article 5 of Regulation (EU) 2019/1873.

4.9 **"Laboratory tests" in TRACES** – Based on the CHED model laid down in Regulation (EU) 2019/1715, all the types of tests are referred to as "Laboratory tests" in TRACES. However, this may include tests other than those performed in a laboratory, such as a temperature check, sensory examination, or label reading (see example in Annex).

5. IOC REQUESTS FROM MEMBER STATES

In accordance with Article 65(4) and (5) of the OCR, when a CA has reason to suspect **fraudulent or deceptive practices by an operator** or when the official controls carried out give grounds to believe there is a **serious or repeated infringement of Union rules**, the CA shall request an IOC, in addition to the measures to be taken in cases of non-compliant consignments entering the Union according to Article 66(3) of the OCR (destroy, re-dispatch or subject consignment to further treatment) or Article 67 of the OCR if the non-compliant consignment presents a risk (destroy or special treatment).

The CA shall notify the Commission and the MSs through TRACES of its decision to request an IOC, indicating the reasons for its decision, and specifying the establishment of origin, the category of goods (including their description and CN code) and the infringement, as required by Article 3 of Regulation (EU) 2019/1873.

It is up to each MS to decide whom, and at what level, i.e., central CA, local CA, or BCP, should hold responsibility for submitting the request of an IOC. All options are acceptable and available within TRACES.

For details concerning the IOC national contact point and request of a role within TRACES in a MS, please see TRACES guidance note[15].

5.1. IOC based on a border control notification

Steps for requesting an IOC following a border control:

- A CA, at central or local level, can **"Request an IOC",** directly through any CHED-P in TRACES:
  - After a CHED-P is finalised for rejection, i.e., when the status of a CHED-P changes to "**Rejected**"

  Or

[15] https://circabc.europa.eu/ui/group/af5deeae-af5b-4ae7-9cd2-24df51e9fa72/library/86486eff-e62d-4301-ba6d-2926589a992b/details

- When a CHED-P entered in TRACES is finalised, for example when entering an unfavourable laboratory analysis for a consignment already released into the market (random monitoring plan).
In such cases, the status of CHED-P remains "**Validated"**. [16]

- After launching the command "IOC request", TRACES generates a request form where some of the following fields must be completed by the CA:

  - **Planned control number** (I), (II) and (III) – entered by default in TRACES based on CHED-P, cannot be changed by MS users (only by the Commission).
    The sequence checks (see point 4.7) are at "10" at the beginning of an IOC (i.e., 10 is the minimum required number of satisfactory results in the uninterrupted sequence to fulfil an IOC, see point 9).

  - **Planned control net weight -** entered by default in TRACES based on CHED-P, cannot be changed by MS users (only by the Commission).
    This is 10 times the weight of the initial consignment to be reached during the sequence checks, or 300 tonnes, whichever is the lowest.

  - **Operator -** entered by default in TRACES based on CHED-P.
    This is the establishment of origin. According to Article 2 of Regulation (EU) 2019/1873, this establishment must be in a third country and listed. In case of several establishments assigned to one CHED-P, the CA must select the appropriate establishment to which the notification relates.

  - **Comment**
    This free text box must be used to enter the legal basis and the factual description of the non-compliance (in particular, legal threshold and observed value of the non-compliance) and any other information deemed relevant to support IOC request for further assessment by the Commission.

  - **Laboratory tests** - proposed by default based on the tests introduced in part II of the CHED-P.
    MS users can remove the proposed tests and/or add other tests as necessary, by selecting the relevant analysis from a drop-down list. Again, if needed, the CA can introduce further information it deems relevant for the Commission in the "Comment" box.

  - **Nomenclature groups -** proposed by default according to the CN codes and product types entered in the CHED-P.

    The nomenclature groups are "predefined" by the Commission and can only be amended by the Commission.
    The CA should select the relevant nomenclature group(s).

[16] For detailed instructions regarding procedures in TRACES for decision on consignment in CHED-P at BCP, it is recommended to consult the dedicated TRACES NT documentation website

If needed the CA can introduce further information deemed relevant for the Commission in the "Comment" box to ensure correct targeting of the specific category of goods.

- Once the request has been filled, it must be submitted. The request will then be visible in the "Search Intensified Official Controls" screen in TRACES. The status of the IOC will appear as "requested".

5.2. IOC based on market control notification

As indicated in section 5.1. (See 2nd hyphen of the 1st point), TRACES enables MS users to submit IOC requests through a CHED-P already finalised (status "Validated") in the system. It means that IOCs based on market control notifications can be proposed by MS users through TRACES, which is new in comparison with TRACES Classic.

The method for completion and submission of the IOC request in TRACES is the same as described above in section 5.1.

Where the product found non-compliant on market control entered the EU through a BCP of another MS, the notifying MS might not have an IT access to the initial CHED-P to request an IOC. In this case, the notifying MS can directly contact the Commission to request an IOC (SANTE-IMPORT-CONTROLS@ec.europa.eu).

5.3. Withdrawal of a notification

MS users can request to withdraw a notification of an IOC they originally requested, for example if they received further information from the laboratory which would annul the initial laboratory analysis.

To withdraw an IOC notification, MS users must contact DG SANTE services at the functional mailbox SANTE-IMPORT-CONTROLS@ec.europa.eu and provide all the necessary information, including the circumstances that justify such a decision.

If withdrawal of the IOC is granted by the Commission, the IOC will end at once with a status changed to "**Disabled**".

Please note that requesting a withdrawal will not be accepted by the Commission at the stage of imposed checks.

6. COMMISSION ASSESSMENT OF AN IOC REQUEST

Following submission of an IOC request by a CA, the IOC can only commence after Commission's **favourable assessment**. The conditions under the Commission's assessment are listed in Article 3(2) of Regulation (EU) 2019/1873.

- MS request

MS should consider the following when making an IOC request:

- Is the notification based on (i) suspected fraudulent or deceptive practices; or (ii) potentially serious or repeated infringement of the rules referred to in Article 1(2) of the OCR?

- Is the responsibility of the establishment of origin clearly linked to the non-compliance?
- Is there an ongoing IOC for the same type of infringement and from the same establishment of origin, or an emergency or special measure that applies to the consignment concerned and for the same infringement as indicated in the notification?

- Commission's assessment

If necessary, to aid assessment of the IOC request, the Commission may contact the central CA of the MS to request any clarifications needed. In any case, the Commission's assessment is made and recorded in TRACES as required by Article 3(3) of Regulation (EU) 2019/1873:

- If the Commission's assessment is positive, the status of the IOC in TRACES changes from "Requested" to "Active" with immediate effect. Please note that the Commission may adjust the nomenclature groups and/or the tests when it is necessary to improve the target initially proposed by the MS users.
- If the Commission's assessment is negative, the status of the IOC in TRACES changes from "Requested" to "Rejected". The reason leading to a negative assessment is recorded by the Commission in the free text comment box of the request form.

Examples of reasons leading to rejection by the Commission of an IOC notification are (list is not exhaustive):

- Criteria for triggering an IOC not fulfilled.
- Lack of harmonised legislation for the hazard described in the IOC notification.
- Consignments in external transit (from one third country to another third country, passing through the Union territory).
- Establishment has been delisted from the list of establishments authorised to export into the Union the products concerned.
- An exact same IOC is already active for the establishment concerned.

- In cases of non-harmonised legislation

In cases where there are no harmonised criteria at EU level for the hazard described in an IOC request, e.g., *Vibrio* spp., Shiga toxin-producing *E. coli* (STEC), it is up to MS to provide justification for such requests. MS can do this by providing relevant information in both the laboratory results section of the CHED-P triggering the IOC request and the free text comment box in the IOC request, which aids assessment of such requests by the Commission. The Commission may also display crucial information within the comment box.

7. PLANNED CONTROLS

7.1. Legal requirements

Following the positive assessment of the Commission, the IOC is made active and each consignment coming from the same establishment of origin in the third country and containing the same category of goods is subject to the IOC measure by the CAs at the BCPs in all MSs with immediate effect as provided for in Article 3(4) of Regulation (EU) 2019/1873.

BCP controls on consignments captured by an active IOC must always include documentary, identity and physical checks, and the specific test required to confirm or to eliminate the suspicion of infringement targeted by the IOC, as prescribed by Article 4(1) of Regulation (EU) 2019/1873. In this case, it is worth mentioning that the reduction of checks provided for in Article 54 of the OCR cannot apply.

Special conditions for performing the tests, or certain practical advice, can be specified in the Comment box of the IOC interface.

In cases where a consignment is suspected of having another non-compliance than the one targeted by the IOC, the CA must subject such a consignment to additional analysis, to exclude the suspected hazard. According to Article 65(1) of the OCR, such a consignment must stay under official detention pending the results related to all suspicions.

7.2. Procedures for the IOC performance

7.2.1 IOC interface

The IOC interface is available in TRACES (under 'reference data') and provides the list of IOCs with information on the status of each IOC, application start date, the planned control numbers of each round (usually 10), the planned control net weight, additional comments regarding details of the IOC, the operator (establishment of origin and the third country of the establishment), nomenclature groups and tests, the numbering of each consignment (what stage of the sequence of checks the IOC is at) and the hyperlink to each CHED-P caught by the IOC and listed under controlled consignments, as well as the initial CHED which triggered the IOC. The list of IOCs ("Search IOC") and the interface of each IOC are available for viewing by the CAs at the BCP and at central level of all MSs and by the Commission.

7.2.2 IOC - sequence of planned controls

TRACES counts the sequence of planned controls based on time of introducing the test results in the system, which is a major change from the former process of RECs in TRACES Classic (which was based on time of introduction of the CVED in the system). It means that the IOC interface can distinguish consignments which have pending test results, i.e., not yet counted in the sequence, and those where IOC tests have been completed. TRACES calculates "an uninterrupted sequence of at least 10 satisfactory results" based only on the consignments for which IOC test results are entered and recorded into TRACES.

Pending the result of IOC tests, the consignment must be detained at the BCP. At the moment the IOC test result is known and entered in TRACES, the consignment can be released, provided that all official controls required by Article 49(1) of the OCR have been performed and concluded as satisfactory.

7.2.3 IOC result and inspector conclusion

For active IOCs, MSs may take their final decision on consignments (release or rejection) independently from the IOC result. This is possible due to the disconnection in TRACES between an IOC result and the final BCP inspector decision on the consignment. This means that based on the final decision on the consignment, under the responsibility of the official inspector of the MS, a consignment may be rejected even if the IOC result is favourable.

7.2.4. Other tests

The IOC interface in the TRACES system can also distinguish, for the same consignment, the tests performed under the IOC procedure and the tests performed for other reasons, other suspicions or

random tests based on monitoring plans. In this case, the results of tests other than those necessary for the IOC are not counted in the IOC sequence and they cannot affect the progression of the IOC process.

Where the consignment under IOC includes several CN codes, it is possible for the BCP, according to its risk assessment, to select one or several of them for the IOC test.

7.2.5 IOC termination

Planned control checks under an IOC are performed, and appear in the IOC interface, as necessary until a favourable outcome is achieved and the IOC can be terminated according to point (b) of Article 6(1) of Regulation 2019/1873, i.e. an uninterrupted sequence of at least 10 satisfactory results, and the total weight of the controlled consignments reaches at least 10 times the weight of the non-compliant consignment that triggered the IOC or 300 tons net weight, whichever is the lowest.

If the IOC measure is terminated before knowing the IOC test result for a particular consignment, it is under decision of the operator responsible for that consignment whether it stays under official detention pending the test results or is released for free circulation within the Union. In the latter case, it must be noted that the consignment could be recalled if the test result is unfavourable.

7.3. Process in TRACES

- TRACES starts the counting of consignments in an IOC procedure when the CA introduces the first test results for a “targeted” consignment following the one that triggered the IOC. When opening part II of the CHED-P selected by the system, a prompt about the applied IOC is displayed with a hyperlink to the IOC screen. This section in CHED-P also includes information concerning the required tests, the operator, commodities to which the IOC applies, and allows for any requests for exemption from the IOC.

- As the selected consignment arrives at the BCP, it is subject to documentary, identity, and physical checks, including the targeted test. If the CHED-P is saved "in progress”, it is not yet ranked in the sequence, but it appears in the section of “Controlled consignments” in the IOC screen. Please be aware that a filter of status “Satisfactory/Non-satisfactory/In-Progress” is available at the top of this section. TRACES counts the consignments and sorts them out according to the date the BCP enters the final test results into TRACES.

- If there is an unfavourable result in one of the “planned control” sequences, then the sequence is interrupted, and the counting starts again in the following sequence. There are 3 planned control sequences i.e., 3 possible sequences to achieve 10 favourable satisfactory consignments. The calculation status of the sequence, both in number and in total weight of consignment, is updated in real time in the header of the list “Controlled consignments”.

- If the conditions in terms of number of favourable uninterrupted results and weight of controlled consignments are met during the sequences of planned controls, the status of the IOC is automatically changed to “**Fulfilled**” and notified to TRACES users through the IOC interface (depending on the notification settings in the user profile).

7.4. Manual mode

It may exceptionally happen that the automatic tracking of the sequences of planned controls in TRACES is no longer possible. This could be the case, for example, where wrong IOC results have been entered in the system, with the consequences of incorrect calculation status of the sequence that would be impossible to update.

In this case, the Commission can switch the IOC procedure to manual mode, meaning that the process is no longer automated by TRACES. The calculations and status updates are thus carried out by the Commission manually. However, to remain transparent, all the details of the calculation are entered by the Commission in the comment box.

7.5. Exclusions and exemptions to an IOC

A consignment selected by the system for IOC can be excluded from the IOC procedure for the following reasons:

- Where the nomenclature groups are not specific enough to properly identify the category of goods, and consignments are wrongly selected by the system. Please note that, despite the precision of the information describing the products (CN nomenclature and product types), it may happen that the automated classification offered by the system is not sufficient to properly designate the targets. In this case, additional information in the comment box can help orientate the decision of BCPs.
- Where consignments are to be refused entry into the Union on grounds other than the infringement for which the IOC procedure is performed (Article 8 of Regulation (EU) 2019/1873). If applicable, the CA can submit a new IOC notification related to the subsequent infringement revealed. In such case, each of the IOC procedures will run separately even though it concerns the same establishment.

A consignment might be exempted from the IOC procedure. Unlike the former procedure in TRACES Classic, exemptions are no longer assessed and validated by the Commission. Instead, they are self-managed by the MS, provided that it records in TRACES the reasons for not subjecting selected consignments to the IOC, as per Articles 4(4) and 8(2) of Regulation 2019/1873.

To ensure a harmonised approach to these rules among the MSs, the Commission will regularly review the reasons given by MS for making exemptions to IOCs in TRACES.

Process in TRACES:

- MS users can click on the “Request Exemption” icon in the CHED-P screen of consignments selected for IOC, provided that the CHED-P status in still in progress. A drop-down list with reasons for exemptions and a free text comment box for concise description of the exemptions are available in the request form.
- It is up to each MS, according to its internal organisation, to decide at which level the exemption request must be validated in TRACES, local, regional, or central level, through the roles of IOC NCP validated in TRACES.
- After validation, exempted consignments are recorded and visible in the part “Consignments out of planned controls”

For additional information resource on IOC exemption, you can refer to TRACES guidance note for IOC exemption[17].

8. IMPOSED CHECKS

If there are 3 unfavourable results during the coordinated performance of an IOC, the procedure enters the phase of imposed check as per Article 5 of Regulation (EU) 2019/1873. The status of the IOC in TRACES is automatically changed to "Imposed checks".

Concretely, nothing changes for BCPs that continue to apply in the same way the coordinated performance of IOCs. The only modification in TRACES is that the IOC results are listed in the screen part "Consignments out of planned controls" and that the automated calculation is stopped.

When starting an imposed check regime, the Commission requests the CA of the third country in which the establishment of origin of the non-compliant consignments is located, to make the necessary investigations to identify the reasons for the infringements, adopt an action plan to effectively remedy the situation, and report on these actions. In addition, the third country is notified about the possible consequences should they not undertake the requested actions.

9. FULFILMENT OF AN IOC

9.1. During the planned control checks

An IOC can only end when the following conditions are met (Article 6(1) of Regulation (EU) 2019/1873):

- an uninterrupted sequence of at least 10 satisfactory results in the coordinated performance of IOC is recorded in TRACES by the BCPs.

AND

- the total weight of the consignments referred to above reaches at least 10 times the weight of the initial consignment or a net weight of 300 tons, whichever is the lowest.

Due to the weight criteria in place, more than 10 satisfactory results may be required to fulfil an IOC. This is the case if the first 10 consignments with satisfactory results added up do not meet a total weight of 10 times the weight of the initial consignment that triggered the IOC.

A **maximum total weight** criterion of 300 tonnes net weight exists to avoid administrative and financial burden, e.g., if the weight of the initial consignment triggering the IOC is very high.

Once conditions are met, the status of the IOC for that establishment in TRACES is automatically changed to "fulfilled".

9.2. During the imposed checks

Imposed checks can only end when the following conditions are met (Article 6(2) of Regulation (EU) 2019/1873):

[17] https://circabc.europa.eu/ui/group/af5deeae-af5b-4ae7-9cd2-24df51e9fa72/library/86486eff-e62d-4301-ba6d-2926589a992b/details

- An uninterrupted sequence of at least 30 satisfactory results under imposed checks are recorded in TRACES.

AND

- The CA of the third country has adopted a satisfactory action plan submitted to the Commission.

The status of the IOC for that establishment in TRACES is changed to “Imposing checks over”.

10. CONCLUSIONS

The coordinated performance of IOCs is reviewed regularly by the Commission to assess if particular action would be required.

The point is placed on the agenda for all meetings of the Veterinary Import Controls Expert Group for analysis by Commission and for comments from MSs.

ANNEX

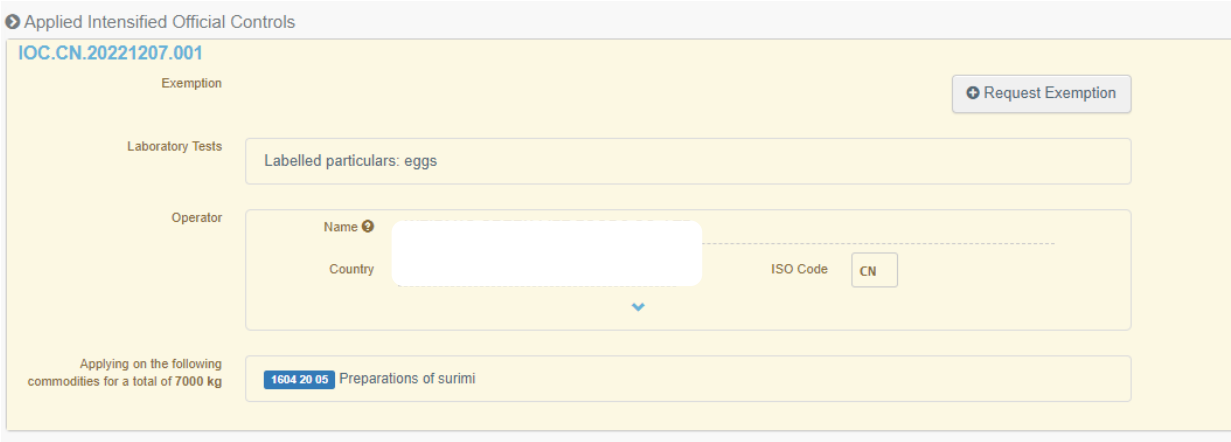
Intensified official controls on allergen labelling

According to Article 4 of Commission Implementing Regulation (EU) 2019/1873, the CAs at the BCPs in all MSs are required to carry out identity and physical checks on each consignment coming from the same establishment of origin and containing the same category of goods, for the same type of infringement.

Based on the CHED model laid down in Regulation (EU) 2019/1715, all the types of tests carried out under physical checks are referred to as "Laboratory tests" in TRACES. However, these may include tests other than those performed in a laboratory, such as label checks as referred to in section 4.9. of this guidance.

According to point (c) of Article 9(1) of Regulation (EU) No 1169/2011, any ingredient causing allergies or intolerances and listed in Annex II to the same Regulation must appear on the labels, the pre-packaging, or the accompanying documents, according to the different stages of marketing presented in Article 8(7).

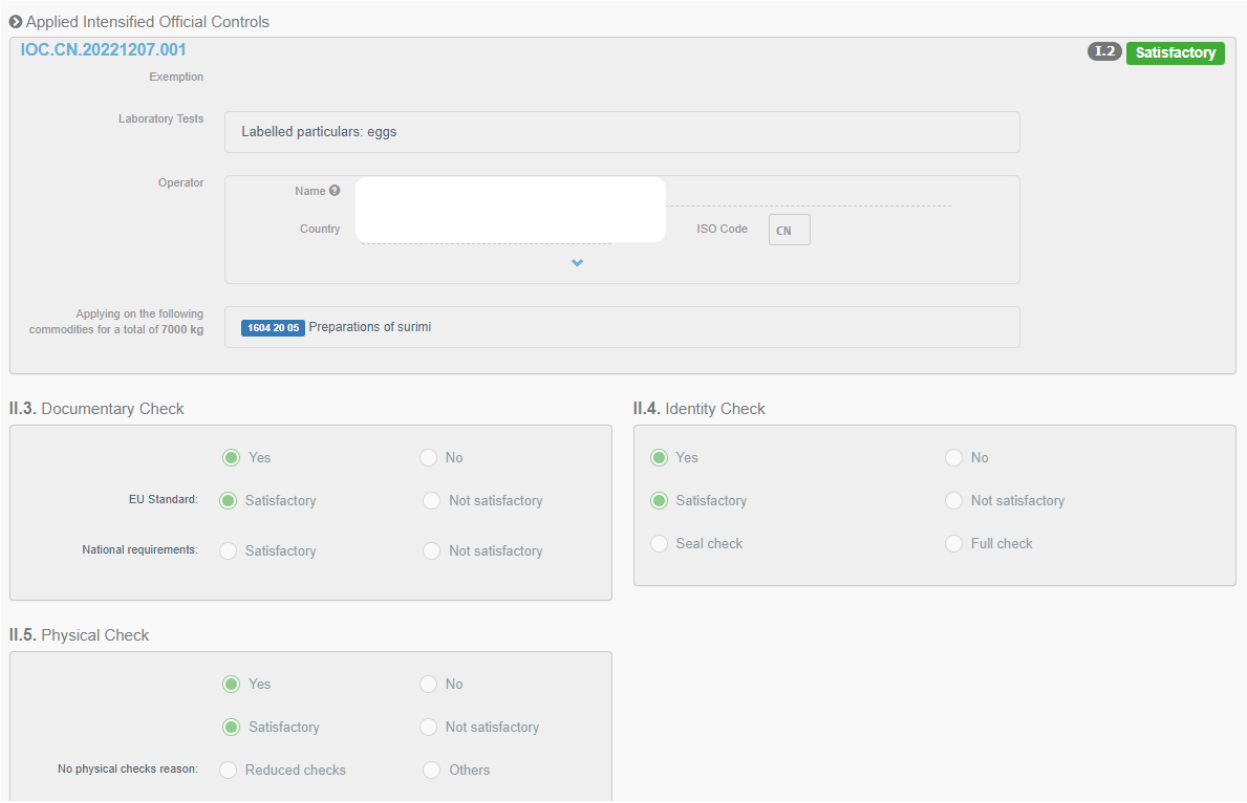
For example, the IOC procedure can be triggered to verify if eggs, or products thereof, are correctly mentioned on the labels. In this case, the targeted test, which consists of reading the label, will be identified in TRACES with a wording such as "Labelled particular: eggs." The following screen is displayed when the CHED-P is opened by the concerned BCP for the 1st time.



The following different IOC procedures may be followed depending on whether the allergen is mentioned or not on the label, the pre-packaging, or the accompanying documents.

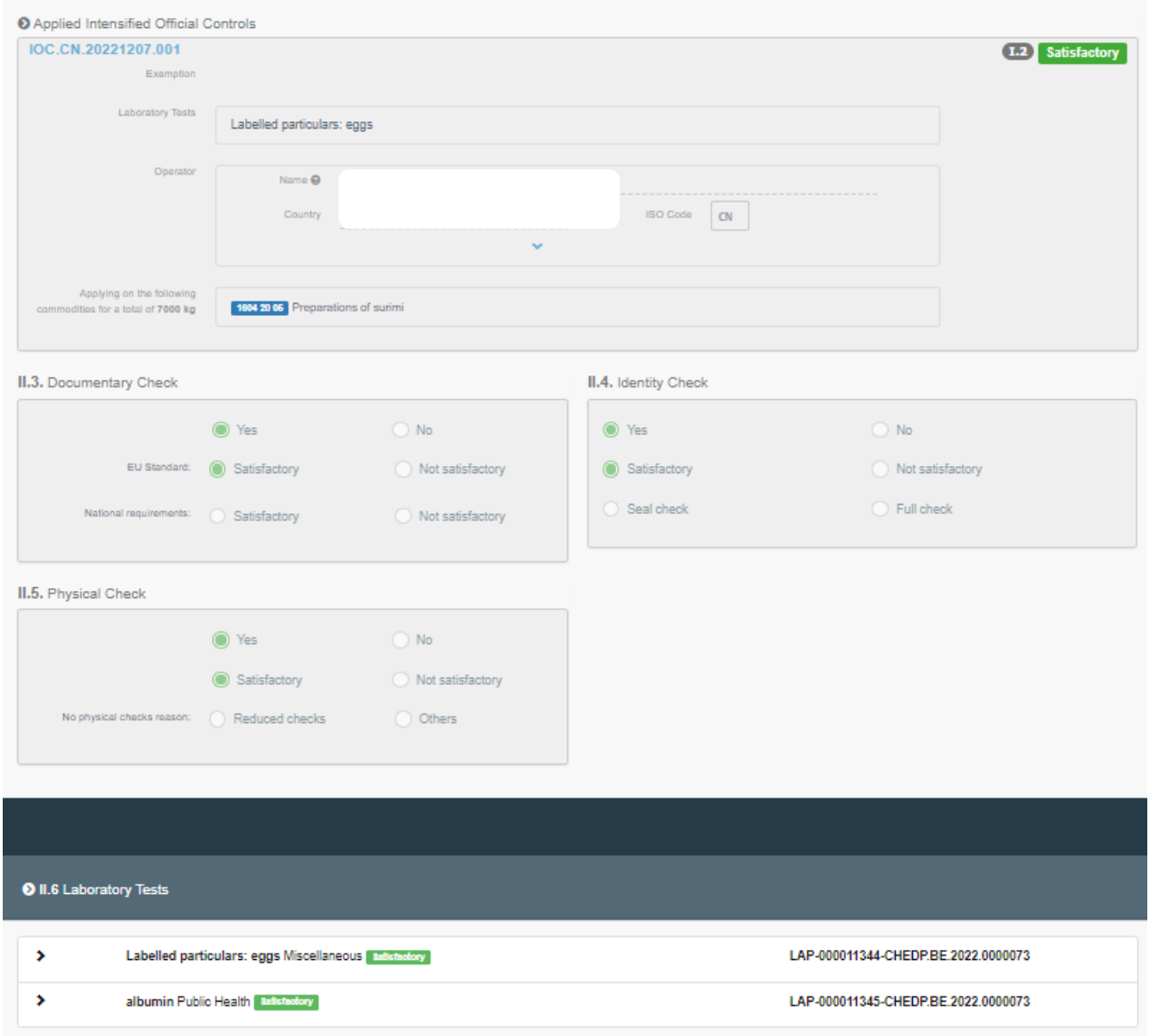
1st case: allergen mentioned

If the allergen is mentioned, the physical check in Box II.5 and the label check indicated under laboratory test (miscellaneous) in Box II.6 must be marked as satisfactory in the TRACES form, as follows:



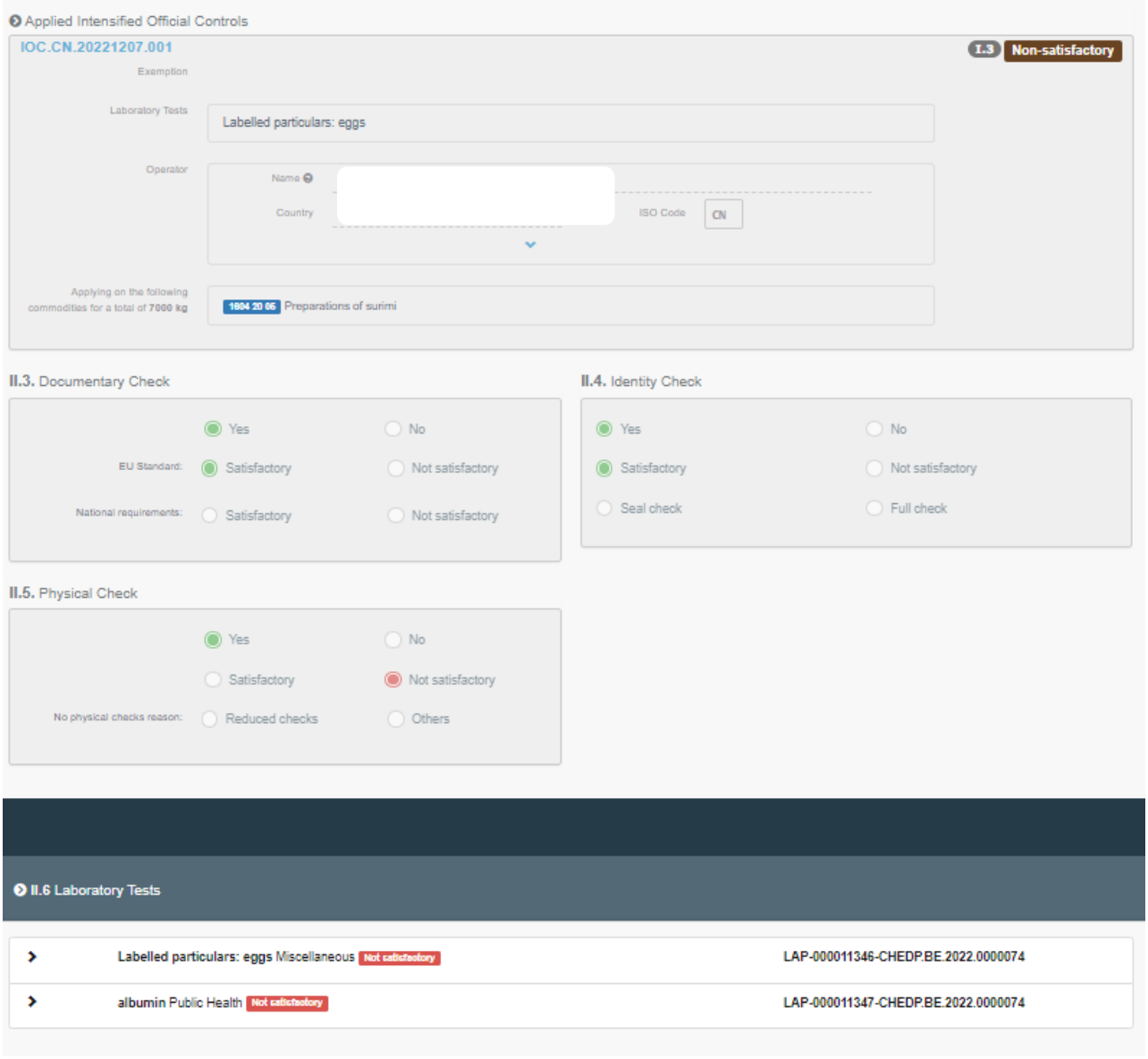
2nd case: allergen not mentioned, favourable laboratory test (absence of allergen)

If the allergen is not mentioned, a laboratory test to verify the absence of the relevant allergen (e.g., albumin) must be carried out. In case of absence of allergen in the product, the physical check in Box II.5, the label check indicated under laboratory test (miscellaneous) and the laboratory test (for albumin) in Box II.6 must be marked as satisfactory in the TRACES form, as follows:



3rd case: allergen not mentioned, unfavourable laboratory test (presence of allergen)

If the laboratory test reveals the presence of allergen in the product, the physical check in Box II.5, the label check indicated under laboratory test (miscellaneous) and the laboratory test (for albumin) in Box II.6 must be marked as not satisfactory in the TRACES form, as follows:


Applied Intensified Official Controls
IOC.CN.20221207.001
I.3 Non-satisfactory
Exemption
Laboratory Tests
Labelled particulars: eggs
Operator
Name
Country
ISO Code
CN
Applying on the following commodities for a total of 7000 kg
1904 20 05 Preparations of surimi
II.3. Documentary Check
Yes
No
EU Standard:
Satisfactory
Not satisfactory
National requirements:
Satisfactory
Not satisfactory
II.4. Identity Check
Yes
No
Satisfactory
Not satisfactory
Seal check
Full check
II.5. Physical Check
Yes
No
Satisfactory
Not satisfactory
No physical checks reason:
Reduced checks
Others
II.6 Laboratory Tests
Labelled particulars: eggs Miscellaneous Not satisfactory
LAP-000011346-CHEDP.BE.2022.0000074
albumin Public Health Not satisfactory
LAP-000011347-CHEDP.BE.2022.0000074